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By ECF

September 27, 2019

Honorable Jesse M. Furman
United States District Judge
Southern District of New York
40 Centre Street
New York, New York

Re: *Sadat v. State University of New York Upstate Medical University, et al.*
No. 19-CV-5053 (JMF)

Dear Judge Furman:

We represent plaintiff in this action and write to request leave to file the attached proposed Amended Complaint for the following reasons. This is plaintiff's first request for leave to amend.

Prior to filing this action, plaintiff had filed a charge of employment discrimination with the U.S. Equal Opportunity Commission ("EEOC"), alleging on the same facts as pleaded in the filed Complaint, violation of the Americans With Disabilities Act ("ADA"), Title I. When the Complaint was filed, the EEOC was still investigating the charge, had not completed its investigation, or issued plaintiff a Notice of Right to Sue under Title I. (Complaint, ECF No. 1, ¶6) As pleaded in the proposed Amended Complaint ¶6, the EEOC concluded its investigation, finding reasonable cause to believe discrimination had occurred. Defendant SUNY Upstate Medical University refused to engage in conciliation, so the EEOC referred the charge to the U.S. Department of Justice, which issued a Notice of Right to Sue to plaintiff dated September 17, 2019 and receive September 25, 2019.

Plaintiff therefore requests leave to amend by filing the proposed Amended Complaint, which adds a claim for relief under Title I of the ADA. (First Claim for Relief, ¶¶39-43) Plaintiff has provided the proposed Amended Complaint to defendants' counsel with a redline version showing the changes described above. Defendants have consented to the proposed amendment.

Therefore, plaintiff requests the Court grant leave to amend and file the proposed Amended Complaint.

Respectfully submitted,


Herbert Eisenberg

cc: Johane Severin, Esq. (by ECF)

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